

### **REMARKS**

The Office Action mailed June 30, 2005 has been carefully reviewed along with the reference cited therein. In the subject Office Action, the Examiner withdrew from consideration claims 21-25 as being directed to a non-elected invention. The Examiner finally rejected claims 1, 3, 4, 7-9, and 15-20 under 35 U.S.C. § 102(b) as being anticipated by Hullman, et al. (U.S. Publication No. 2005/0025603). The Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Hullman, et al. as applied to claim 1. Hullman, et al. published after the filing date of the subject application and therefore only qualifies as prior art under § 102(e).

### **Request to Remove Finality of the Subject Office Action**

Applicants responded to the non-final Office Action mailed February 8, 2005 by amending claim 1 to include limitations previously presented in original claims 2, 6 and 11. After receiving applicants' response, the Examiner performed a new search and issued a final rejection of amended claim 1 based on a reference located during the new search. However, the Examiner's new ground for the rejection of claim 1 was not necessitated by applicants' amendment of claim 1 since these limitations had been previously presented to the Examiner when she searched the application for the first Office Action. However, Hullman, et al. was not applied against the original claims. Since applicants have not had the opportunity to respond or to amend to avoid the new grounds of the rejection and these new grounds should have been presented in the Examiner's first Office Action, applicants respectfully request that the Examiner remove the finality of the rejection.

### **35 U.S.C. § 102(b) Rejections**

Applicants respectfully submit that Hullman, et al. fails to disclose a rod hanger adapter, and therefore fails to anticipate either of claim 1 or claim 15. Instead,

Hullman, et al. discloses a fixing clamp, and more specifically, a fixing clamp for the blind fixing of a handle to the ceiling of a motor vehicle.

Regardless of Hullman, et al. failing to disclose a rod hanger adapter, applicants have amended claims 1 and 15. Specifically, claim 1 has been amended to recite "the second wall includes a first portion of a slot configured to receive an associated rod." The slot disclosed in Hullman, et al. application is not configured to receive an associated rod because the fixing clamp is much too small.

Claim 1 has also been amended to recite "said first portion of said slot being aligned with said opening and being intersected by said longitudinal axis of said rod hanger adapter" and "wherein a second portion of said slot extends into said third wall, said second portion of said slot being intersected by said longitudinal axis of said rod hanger adapter." In Hullman et al., the portion of the slot that extends through the second wall and the portion of the slot that extends through the third wall are not aligned with the opening and are not both intersected by the same longitudinal axis as the opening. Rather, the portions of the slot in the second and third walls, as per the Examiner's drawing, are offset from the opening and would not both be intersected by the same longitudinal axis as with the opening. Instead, if both portions of the slots of Hullman were aligned with the same longitudinal axis as the opening, they would intersect the opening and thus destroy the function or purpose of the opening. Claim 1 has been amended to define over Hullman, et al. and is considered in condition for allowance. Claims 3, 7, 8, 9 and 13 depend from claim 1 and are also in condition for allowance.

Claim 15 has been amended to recite "...said third wall including a notch for mounting the rod hanger adapter to the wall of the associated cabinet, said notch being formed in a generally central portion of a lower edge of the third wall, said notch being aligned with said opening...." The notch in Hullman, et al. is not formed in a generally central portion of a lower edge of the third wall nor is it aligned with the opening. Instead, the notch, or notches, are located adjacent lateral edges in Hullman, et al. and are offset

from the opening. Accordingly, claim 15 is in condition for allowance as being patentable over Hullman, et al. Claims 16 and 17 depend from claim 15 and are also in condition for allowance. Applicants respectfully request that the Examiner remove the rejection.

### Conclusion

In view of the above discussions, applicants respectfully submit that all pending claims are patentably distinct over the reference of record.


Since this amendment is in response to a Final rejection, applicants have canceled all withdrawn claims without prejudice and reserves the right to pursue these claims in a continuing patent application. Also, applicants have attempted to limit the issues that have been presented to the examiner. The claim amendments should not require an additional search on the part of the examiner.

Allowance of all claims and early notice to that effect is respectfully requested.

Respectfully submitted,

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8/30/05  
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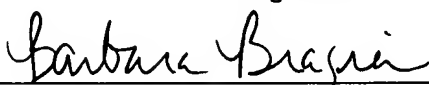
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